



3759 11/15/06

\$2,375.00 ✓

OFFICE OF  
INSURANCE COMMISSIONER

In the Matter of )

No. D06-292

OPTIMUM RE INSURANCE COMPANY, )

CONSENT ORDER  
IMPOSING A FINE

An Authorized Insurer )

Findings of Fact:

1. Optimum Re Insurance Company ("Optimum") is authorized to conduct insurance business in Washington State. It issues life and disability insurance.
2. Optimum timely filed the paper signature pages for its calendar year 2004 Annual Statement and Statement of Actuarial Opinion ("SAO") with the Office of the Insurance Commissioner ("OIC") on February 28, 2005. Optimum timely filed a paper copy of its 2004 Annual Statement and SAO, but did not file the Annual Statement and SAO electronically.
3. On April 14, 2005, the OIC sent Optimum a letter indicating that the electronic Annual Statement and SAO filing were outstanding. Optimum electronically filed its calendar year 2004 Annual Statement and SAO on April 20, 2005. Optimum made no attempt to electronically file these documents prior to April 20, 2005.
4. On June 24, 2005, the OIC sent Optimum a letter indicating that its calendar year 2004 Audited Financial Report filing was outstanding. Optimum filed the Audited Financial Report on July 7, 2005. Optimum made no attempt to electronically file this document prior to July 7, 2005. Optimum did not file the paper signature page for the 2004 Audited Financial Report with the OIC.
5. Optimum timely electronically filed its calendar year 2005 Annual Statement and SAO with OIC on February 27, 2006. Optimum did not file paper signature pages for the Jurat and the SAO.
6. On May 1, 2006, the OIC sent Optimum a letter indicating that the 2005 Annual Statement and SAO paper signatures were outstanding. The letter also noted that Optimum's 2005 April Supplemental filing was also outstanding.
7. Optimum filed the paper signatures for the 2005 Annual Statement and SAO on May 5, 2006. Optimum electronically filed its 2005 April Supplemental filing on May 12, 2006.

8. Optimum timely electronically filed its calendar year 2005 Audited Financial Report with the OIC on May 17, 2006, but failed to file the paper signature page for the 2005 Audited Financial Report with the OIC.

Conclusions of Law:

1. Optimum's failure to timely file its complete calendar year 2004 Annual Statement and supplements, its complete calendar year 2004 Audited Financial Statements, its complete calendar year 2005 Annual Statement and 2005 April Supplemental filings, and its complete 2005 Audited Financial Report constitutes five violations of RCW 48.05.250.

2. RCW 48.05.185 authorizes the Commissioner to impose a fine in lieu of or in addition to the suspension or revocation of an insurer's certificate of authority.

Consent to Order:

Optimum consents to the following, in order to resolve this matter without further legal or administrative proceedings. The Insurance Commissioner consents to resolve this matter in consideration of the insurer's payment of a fine as set forth below.

1. Optimum consents to the entry of the foregoing Findings of Fact and Conclusions of Law, and acknowledges its duty to comply fully with all applicable laws and regulations of the State of Washington. It waives further administrative or legal challenge to the actions taken by the Insurance Commissioner, related to the subject matter of this Order.

2. Within thirty days of the entry of this Order, Optimum will pay to the Insurance Commissioner a fine in the amount of \$2,375 (two thousand three hundred seventy five dollars).

3. Failure to pay the fine in full within thirty days of the entry of this order will constitute grounds for revocation of the certificate of authority held by Optimum in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 14 day of November 2006.

OPTIMUM RE INSURANCE COMPANY

By: Richard Fillion

Printed Name: Richard Fillion

Printed Corporate Title: SVP Corporate

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner orders as follows:

Order:

1. Optimum Re Insurance Company is ordered to pay, within thirty days of the entry of this order, a fine in the amount of \$2,375 (two thousand three hundred seventy five dollars).

2. Failure to pay the fine timely and in full will constitute grounds for revocation of the certificate of authority held by the insurer in Washington State. It will also result in a civil action

being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 16<sup>th</sup> day of November, 2006

MIKE KREIDLER  
Insurance Commissioner

By: 

Marcia G. Stickler  
Legal Affairs Division